

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 MICHAEL NOEL LEIGHTON,

13 Defendant.

14 CASE NO. CR17-0013-JCC

ORDER

15 This matter comes before the Court on the Government's motion for Rule 16 disclosure  
16 and a trial continuance (Dkt. No. 24). The Government seeks an order (1) directing Defendant  
17 Michael Leighton to produce a written summary of the expert testimony on Leighton's mental  
18 condition under Federal Rule of Criminal Procedure 16(b)(1)(C) and (2) continuing the trial so  
19 that the Government can retain its own expert to review and analyze Leighton's mental health  
20 defense and, if necessary, examine Leighton. (*Id.* at 1.)

21 Leighton does not oppose the motion. (Dkt. No. 25 at 1.) However, as he notes, Rule 16  
22 does not address when his expert witness disclosure must be made. *See Fed. R. Crim. P.*  
23 16(b)(1)(C). Leighton does not object to timely providing his expert witness summary, but  
24 maintains that it is not yet prepared. (Dkt. No. 25 at 2.)

25 The motion (Dkt. No. 24) is GRANTED. **The Court ORDERS Leighton to provide the**  
26 **Government with a written summary of any expert testimony on his mental condition**

1 **within 45 days of this order's issuance.** The summary must describe the witness's opinions, the  
2 bases and reasons for those opinions, and the witness's qualifications, among other things.

3 **Further, the jury trial in this case is CONTINUED from May 22, 2017 to Monday,**  
4 **October 16, 2017 at 9:30 a.m.** The Court FINDS that the ends of justice will be served by  
5 ordering a continuance in this case; that the failure to grant such a continuance in this case, while  
6 not so unusual or so complex, would deny defense counsel or the attorney for the Government  
7 the reasonable time necessary for effective preparation, taking into account the exercise of due  
8 diligence; and that these factors outweigh the best interests of the public and Leighton in a  
9 speedy trial. The Court further FINDS that the period of time from May 3, 2017—the date the  
10 Government's motion for continuance was filed—until the new trial date of October 16, 2017  
11 shall be excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* Pretrial motions  
12 shall be submitted no later than Monday, September 11, 2017.

13 DATED this 11th day of May, 2017.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE